

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**April 25, 2005**

DIVISION ONE

B171650      City of Malibu et al.                      (Certified for Publication)  
v.  
California Coastal Commission, et al.,  
John M. Heidt, et al.

The judgment is affirmed.

Mallano, Acting P.J.

I concur: Suzukawa, J. (Assigned)  
I dissent: Vogel (Miriam A.), J. (Opinion)

### DIVISION THREE

B173588      People                                  (Not for Publication)  
v.  
Reese, et al.

Defendants' convictions for attempted kidnapping (count 5) are vacated. As modified, the judgments are affirmed. As to both defendants, the case is remanded to the trial court for a recalculation of custody credits in accordance with the views expressed in this opinion. The trial court is directed to prepare amended abstracts of judgment and forward them to the Department of corrections.

Klein, P.J.

We concur:   Croskey, J.  
                      Kitching, J.

April 25, 2005 (Continued)

### DIVISION THREE (Continued)

[illegible]

The judgment is affirmed. The abstract of judgment is hereby corrected to reflect convictions for kidnapping to commit rape on counts 4 and 7. The trial court is directed to prepare an amended abstract of judgment reflecting this change and forward it to the Department of Corrections.

Klein, P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

B181133      Amber G.      (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(L.A. County Department of Children and Family Services, r.p.i.)

The writ petition is denied.

Klein, P.J.

We concur:   Croskey, J.  
                      Kitching, J.

## DIVISION FOUR

B179308 People v. Duran (Not for Publication)

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The judgment is affirmed.

Willhite, J.

We concur: Epstein, P.J.  
Hastings, J.

April 25, 2005 (Continued)

## DIVISION FOUR (Continued)

B178655 People (Not for Publication)  
v.  
Smith

The order is affirmed.

Hastings, J.

We concur: Epstein, P.J.  
Willhite, J.

[illegible]

The judgment is affirmed.

Hastings, J.

We concur: Epstein, P.J.  
Willhite, J.

B172015      Blackburn      (Not for Publication)  
v.  
Kitchen King, Inc.

The order is reversed with directions that the matter be remanded to the trial court to readdress the issues raised by the parties in the motion to compel. Each side is to bear its own costs.

Hastings, J.

We concur: Epstein, P.J.  
White, J. (Assigned)

April 25, 2005 (Continued)

DIVISION FIVE

B177489      Suzanne Malamud                      (Not for Publication)  
v.  
Medical Diagnosis Portable X-Ray & EKG Services et al.

The order denying the petition to compel arbitration is affirmed. Plaintiff, Susanne Malamud, is awarded her costs on appeal from defendants, Medical Diagnosis Portable X-Ray & EKG Services and Bialik Benjamin.

Turner, P.J.

I concur:      Kriegler, J.  
I concur:      Mosk, J. (opinion)

DIVISION SIX

B177884      People                                      (Not for Publication)  
v.  
Rogers

The judgment is affirmed.

Gilbert, P.J.

We concur:      Coffee, J.  
                     Perren, J.

DIVISION SEVEN

B180527      Patricia M. and Alfred G.,                      (Not for Publication)  
v.  
Superior Court, Los Angeles County

Petitions denied by opinion.

Johnson, J.

We concur:      Perluss, P.J.  
                     Woods, J.

April 25, 2005 (Continued)

DIVISION SEVEN (Continued)

B172697      Zanchelli      (Not for Publication)  
                 v.  
                 Pacific Design Center

The judgment is affirmed. Respondent(s) to recover costs.

Woods, J.

We concur:    Perluss, P.J.  
                 Johnson, J.

B171931      People      (Not for Publication)  
                 v.  
                 Bradley

The judgment is affirmed but the sentence must be modified to delete the concurrent 10-year gang enhancements imposed under section 186.22, subdivision (b)(1). Rather, the 15-year parole eligibility minimum of subdivision (b)(5) applies to both counts. Accordingly, this cause is remanded to the trial court for further proceedings consistent with this opinion.

Woods, J.

We concur:    Perluss, P.J.  
                 Johnson, J.

B169497      People      (Not for Publication)  
                 v.  
                 Lousky

The judgment is affirmed.

Perluss, P.J.

We concur:    Woods, J.  
                 Zelon, J.

DIVISION EIGHT

B178101 Catholic Mutual Relief Society et al., (Certified for Publication)

v.

Superior Court, Los Angeles County

(Roman Catholic Archdiocese Of San Diego et al., r.p.i.)

For the reasons set forth above, let a peremptory writ of mandate issue directing the trial court to vacate its earlier order denying petitioners' motions to quash the deposition subpoenas and enter a new and different order granting those motions. Petitioners to recover their appellate costs.

Rubin, J.

We concur: Cooper, P.J.

Flier, J.

B175007 People (Not for Publication)

v.

Gamaliel Sanchez

The judgment is affirmed.

Flier, J.

We concur: Cooper, P.J.

Boland, J.

B173233 Small Hill (Not for Publication)

v.

Andrew Kwiat et al.

The order of dismissal is affirmed. The parties are to bear their own costs on appeal.

Flier, J.

We concur: Rubin, Acting P.J.

Boland, J.

April 25, 2005 (Continued)

DIVISION EIGHT (Continued)

B171882     People  
              v.  
              Brand,

Filed order denying petition for rehearing.